

5.0 PROCEDURES AND ORGANIZATION

5.1 COMMITTEES

The Coordination, Biology, and Navajo Dam Operating Committees will be established pursuant to Sections 2 and 4 of the Endangered Species Act, as well as other applicable laws to carry out this Implementation Program.

5.1.1 Coordination Committee

The Participants in this Implementation Program shall each be entitled to voting membership on the Coordination Committee. The purpose of the Coordination Committee is to assure that the goals of this Implementation Program are achieved in a timely manner. To effect this coordination responsibility, the following entities will have the right to have one representative on the Coordination Committee (multiple representatives of a single agency will share the single vote allotted to each agency):

- Bureau of Reclamation
- Bureau of Indian Affairs
- Fish and Wildlife Service (Region 2)
- Fish and Wildlife Service (Region 6)
- Ute Mountain Ute Indian Tribe
- Southern Ute Indian Tribe
- Jicarilla Apache Indian Tribe
- Navajo Nation
- State of New Mexico
- State of Colorado
- State of Utah
- Water Development Interests
- Conservationists

Respectively, one representative from each of the latter two groups, the water development interests as a collective group and the conservationists as a collective group, shall be selected by those groups to serve on the Coordination Committee. Water development interests in Colorado, Utah, and New Mexico, shall have one representative and conservation organizations with offices in Colorado, Utah, or New Mexico shall have one representative.

Should a federal agency not listed above wish to participate in this Implementation Program in compliance with the requirements of section 7(a)(1) of the Endangered Species Act, it may submit its request for such participation to the Coordination Committee for approval. Such approval will be based on the satisfaction by the federal agency of the following criteria:

1. Legal and regulatory responsibilities to protect listed species or designated critical habitat; and
2. Permitting or regulatory authority affecting either the endangered fish species or their habitat; and
3. Commitment to provide sufficient funding to significantly contribute to the activities identified in the Long Range Implementation Plan and comply with the agency's section 7(a)(1) responsibilities.

Approval of new federal entities participating under section 7(a)(1) will be by a two-thirds majority vote of the Coordination Committee. Other federal agencies may be required to participate in this Implementation Program in compliance with section 7(a)(2) consultation requirements if such participation is determined by the Service to be necessary for removal of jeopardy for the specific action and is crucial for successful accomplishment of the goals of this Implementation Program. Such determinations will be made following discussions with the Coordination Committee. Participation by federal agencies under those circumstances will not be subject to approval by the Coordination Committee.

The Service, Region 2 Regional Director, or his designate, shall chair the Coordination Committee. The Committee shall function by two-thirds majority vote of the committee membership on all issues (including those sent to it by the Biology Committee for resolution), with unresolved issues referred to the Signatories of the Cooperative Agreement for resolution.

The Biology Committee shall submit an annual work plan, based on the Long Range Implementation Plan, and report of progress to the Coordination Committee for review and approval. If there are portions of the annual work plan or report that need clarification, the documents shall be returned to the Biology Committee for clarification prior to March 15 before final approval and distribution beyond the Coordination Committee.

The Biology Committee shall also prepare an annual budget to carry out work under this Implementation Program and submit it to the Coordination Committee for review and approval. If the budget cannot be funded at the requested level, the Biology Committee will revise the work plan to fit the available funding and re-submit the plan for distribution.

Recommendations from the Biology Committee on feasible and necessary recovery activities beyond the scope of the annual work plan will be provided to the Coordination Committee for approval and implementation.

Under this program, all Participants will work cooperatively to ensure the successful implementation of the recovery actions. If, however, any Signatory is unable to support this Implementation Program or components of it, or finds the recommendations of the Coordination Committee not justified, it will report its position to the Coordination Committee in writing. The Coordination Committee will be given sufficient time to resolve any problems. If issues cannot be resolved at the Coordination Committee level, those issues will be referred to the Signatories to the Cooperative Agreement for resolution.

Although the Secretary of the Interior, through the Service, is responsible for administering the Endangered Species Act, each federal agency is bound by the requirements of the Act. Additionally, as evident by the execution of the MOU and this Implementation Program, each federal, state, and tribal signatory is committed to the recovery of the endangered fish species of the San Juan Basin. In order to provide the organizational focus to facilitate the cooperative efforts to achieve that recovery, the Service will direct its efforts to assuring the full and cooperative consideration of all agency views, responsibilities, and constraints in the analysis of project impacts and recovery potential.

5.1.2 Biology Committee

The purpose of the Biology Committee is to assure that the goals of this Implementation Program are met by: (1) assessing the biological needs of the endangered fish species and identifying research needs in support of recovery elements; (2) conducting and coordinating research activities; (3) evaluating and updating recovery elements and research plans based on results of research; (4) identifying and evaluating potential recovery actions; (5) recommending feasible and necessary recovery actions for implementation by the Participants; (6) assessing progress under the program; and (7) providing progress reports and prioritized budget requirements to the Coordination Committee for review and approval.

Since the efforts of the Biology Committee relate specifically to the scientific basis for recovery, each participant on the committee shall have expertise on the San Juan River or its native fish fauna. Each of the following entities or groups may have one representative who meets the above requirements on the committee (multiple representatives of a single agency will share the single vote allotted to each agency):

Bureau of Reclamation
Bureau of Indian Affairs
Fish and Wildlife Service (Region 2)
Fish and Wildlife Service (Region 6)

Ute Mountain Ute Indian Tribe
Southern Ute Indian Tribe
Jicarilla Apache Indian Tribe
Navajo Nation
State of New Mexico
State of Colorado
State of Utah
Water Development Interests
Conservationists

The current members of the Ad Hoc Research Group, representing the Bureau of Reclamation, Bureau of Indian Affairs, Fish and Wildlife Service (Region 2), Fish and Wildlife Service (Region 6), Southern Ute Indian Tribe, and states of New Mexico, Colorado, and Utah are recognized experts on the San Juan River or its native fish fauna. These representatives are currently conducting the investigations of the ALP Seven-year Research Plan, meet the conditions for membership set forth, and will form the initial membership of the Biology Committee of this Implementation Program. Representation on the Biology Committee by entities not currently represented on the Ad Hoc Research Group, and additional federal entities participating in this Implementation Program through sections 7(a)(1) or 7(a)(2) of the Endangered Species Act, or replacement representation, will be through the following process:

1. The name and qualifications (expertise on the San Juan River or its native fish fauna) of the nominated representative to be added, accepted, or substituted, will be provided to the Program Coordinator.
2. The Program Coordinator will provide the material to the members of the Biology Committee. Such distribution will be either at the meeting of the Biology Committee or, if more expeditious, through contact with individual members of the Biology Committee.
3. The Biology Committee members will, within 30 days, review the qualifications of the nominee and forward their decision to the Program Coordinator.
4. The decision to reject any nominee to the Biology Committee must be supported by a two-thirds majority.
5. If the nominee is approved, the Program Coordinator will notify the nominating agency.
6. If the nominee is not approved, the Program Coordinator will so notify the nominating agency with accompanying reasons.

7. Under the circumstances of Item 6, the nominating agency may either submit another nominee or appeal the decision to the Coordinating Committee. The Coordinating Committee shall decide on such an appeal within 30 days.

Expertise (e.g., aquatic toxicology or other disciplines), if not available among the agency and tribal representatives, will be solicited as needed. The Biology Committee members will select their chairperson; votes will be carried by a two-thirds majority.

The representatives on the Biology Committee will be charged with bringing to this Implementation Program a cooperative and objective analysis of the river's habitats and fish community. The Biology committee will function by a two-thirds majority vote of the committee membership. Divergent views will be resolved at the Committee level whenever practicable. If resolution cannot be achieved (two thirds majority vote), a report of the question under dispute, including the dissenting views, will be provided to the Coordination Committee.

The Biology Committee will meet as often as needed; all meetings will be open to the public. A meeting will be scheduled on or about January 31 of each year to review the work accomplished in the previous fiscal year, to address in detail the annual work plan for the current fiscal year, and develop the annual work plan (based upon the Long Range Implementation Plan) for the succeeding fiscal year. A brief report by the principal investigator for each research effort, summarizing accomplishments and problems of research activities for the previous year, and a statement of required research and justification for the upcoming year will be submitted to the Program Coordinator by February 15. The Program Coordinator will compile such reports for transmittal to the involved agencies and Coordination Committee. The Bureau of Reclamation will also hold a meeting with the Biology Committee and the State water regulating agencies prior to March to recommend flow releases from Navajo Dam for the upcoming season. Submittal of the reports, and review and feedback, will be conducted in an expeditious manner in order to avoid delays in implementation of the research effort. The completion of review and provision of comments will be accomplished no later than March 31.

5.1.3 Navajo Dam Operating Committee

The section 7 consultation on ALP added an operation requirement to Navajo Dam to time releases from the dam to benefit the endangered fish species. In addition, a number of release patterns will be tested during the research period to aid in determination of the release patterns that are beneficial to the

endangered fish species. Close coordination between the Service, Bureau of Reclamation, Bureau of Indian Affairs, Navajo Nation, and the States of New Mexico, Colorado, and Utah is required to assure that impacts to users of water stored in Navajo Reservoir and those located downstream of the dam are considered and minimized in the determination of release patterns from Navajo Reservoir. Presently, diversion requirements of senior water rights holders must be met before storage releases can be made for the benefit of the endangered fish species. To facilitate coordination, a Navajo Dam Operating Committee is required.

The Navajo Dam Operating Committee shall advise the Biology Committee on available water to meet the needed flows for the research effort during any particular year. Membership shall consist of one representative of each of the following entities (multiple representatives of a single agency will share the single vote allotted to each agency):

Fish and Wildlife Service

Bureau of Reclamation - Navajo Dam Operations
 Bureau of Reclamation - Salt Lake Regional Office
 Bureau of Indian Affairs - NIIP Project Office
 Bureau of Indian Affairs - Albuquerque Area Office
 State of New Mexico
 State of Colorado
 State of Utah
 Navajo Nation

The representative from Bureau of Reclamation - Navajo Dam Operations, shall meet with the Biology Committee in January to present information on the projected water availability for the upcoming year (1 April-30 November) and storage capacity of Navajo Reservoir. The Biology Committee shall develop the desired criteria for releases for the coming year (April through November). The Navajo Dam Operating Committee shall meet sometime before March 10 of each year to analyze this input and determine if the release conditions can be met, considering senior water rights and water supply. Any other considerations that should be addressed should be compiled at this time and a report prepared for the Biology Committee. The report will be presented to the Biology Committee in March by a representative of the Operating Committee in time to finalize release rules for the coming year.

Disputes among representatives that cannot be resolved at the Biology Committee level shall be referred to the Coordination Committee per the conditions of Section 5.1.2.

5.2 SERVICE RESPONSIBILITY

The Service will be responsible for directing and coordinating

the overall Implementation Program. These responsibilities include:

1. Providing liaison and coordinating the activities of the Biology and Coordination Committees.
2. Ensuring that a long range plan, annual work plans, annual progress reports, and specific recovery goals for the San Juan River are prepared by the Biology Committee.
3. Seeing that the approved recovery activities are implemented.
4. Evaluating program/project accomplishments and shortcomings.
5. Disseminating information to involved state, federal, and tribal agencies.
6. Ensuring that appropriate federal scientific collecting permits are provided to each principal investigator and coordinating acquisition of scientific collecting permits from other responsible entities.
7. Advising Participants of requests for initiation of consultation.

The Service will be responsible for coordinating activities with the Upper Basin Recovery Implementation Program and the Colorado River Fishes Recovery Team.

To accomplish these responsibilities, the Service will appoint a Program Coordinator for this Implementation Program. The Program Coordinator will be responsible for overall program coordination and dissemination of information about program activities.

5.3 PROCEDURES AND APPROVALS

Successful completion of this Implementation Program will follow the general process outlined below and in Table 5.1.

5.3.1 Long Range Implementation Plan

The Program Coordinator will assist the Biology Committee in the development of a long range plan with research and recovery elements and goals. The draft long range plan will be provided within 12 months, with a final submitted by the Biology Committee and the Program Coordinator no later than January 1995. The plan will establish the milestones to be utilized in analyzing progress of this Implementation Program. The research plan developed as a part of the section 7 consultations for the ALP

and NIIP will be used as a basis for the overall research plan to assure that the conditions of the consultations are met.

The Long Range Implementation Plan will indicate the logical progression and priority of implementing identified recovery actions (Section 3.0) which are expected to result in recovery and delisting of the Colorado squawfish and razorback sucker. As such steps are completed, they constitute the milestones marking progress in achieving the goal of recovery of the endangered fish species. So long as the milestones established in the Long Range Implementation Plan are met, it is the mutual expectation of the Participants that this Recovery Implementation Program will serve as the foundation for a reasonable and prudent alternative for section 7 consultations, but shall not preclude the development of reasonable and prudent alternatives independent of the Implementation Program.

The Program Coordinator will forward plans and recommendations to the Coordination Committee for review and approval. Approval will be based on whether the Long Range Implementation Plan accurately reflects the best scientific information available, the efficient implementation of recovery goals, and the effective implementation of Sections 3 and 6 of this Implementation Program.

Table 5.1 Time Line and Approval Procedures

<u>When</u>	<u>Who</u>	<u>Product</u>
January	Biology Committee	Reviews AWP from Preceding FY; Prepares Detailed AWP development Current FY; Develops AWP Succeeding FY
	Biology and Navajo Dam Operating Committees	Preliminary flow regimes
February	Biology to Coordination Committee	Summary of PFY AWP Report
March	Coordination to Biology	Response to Summary Report
	Biology and Navajo Dam Operating Committees	Final flows Determined
March/April	Biology Committee	Typically initiation of field activities
April 1	Bureau of Reclamation	Initiate annual habitat flow releases from Navajo Dam
May, June, July, August, September	Biology Committee	Field Work
August/September	Biology Committee	Finalize AWP, Succeeding FY Forward to Coordination Committee
September	Coordination Committee	Response to Biology Committee on AWP, Succeeding FY

5.3.2 Annual Work Plan

The Program Coordinator will work with the Biology Committee to identify and expedite individual projects that are needed to accomplish the long range plan for each of the recovery elements.

The Program Coordinator and Biology Committee will draft an annual work plan consisting of high priority individual projects. The annual program will be formulated within the available funding for that year.

The Program Coordinator will forward the work plan to the Coordination Committee for review and approval. Approval of each annual work plan will be based on its consistency and compliance with the Long Range Implementation Plan and whether the planned annual scope of work can be accomplished with available funds. Approval shall be by two-thirds majority vote. Any needed clarification or modification will be completed by the Biology Committee prior to distribution to participating parties.

The annual work plan will be implemented by agency or tribal personnel, or by private contractors as staffing and funding allow.

5.3.3 Identification and Implementation of Recovery Actions

Following the identification and analysis by the Biology Committee of potential actions which may facilitate recovery of the endangered fish species of the San Juan River, such actions, including recommendations, if any, for capital expenditures, will be forwarded to the Coordination Committee for review and approval. The Coordination Committee will review and approve expenditure of capital funds based on the consistency of funding requests with Section 3 of the Recovery Implementation Program and the Long Range Implementation Plan.

Commitment to proceed with a specific action for recovery may be made by the Participants either through independent implementation of agreed upon steps by an individual entity, or by cooperative support of more complex recovery actions by any or all Participants.

5.4 PROGRAM MODIFICATIONS

Modifications to this Implementation Program may be recommended by any of the Participants and shall become effective upon written concurrence by at least a two-thirds majority of all Participants. The Participants recognize that the Service and federal agencies must re-initiate consultation when the circumstances described in 50 CFR 402.16 occur.

6.0 FUNDING OF THE IMPLEMENTATION PROGRAM

6.1 INTRODUCTION

One of the basic principles of this Implementation Program is that protection and recovery of the endangered fish species is a cooperative responsibility. This specifically applies to funding of the recovery program. The estimated expenditures for the recovery program are divided into two areas, the funds necessary to carry out and support research, and the monies required to implement recovery actions based on the research. The latter category must depend upon the results of the research and is, therefore, not discussed herein.

6.2 ANNUAL IMPLEMENTATION PROGRAM BUDGET

The elements described in this document are considered necessary for the protection and recovery of the endangered fish species. To date, funding of the research program has been provided by the Bureaus of Reclamation and Indian Affairs, in addition to in-kind funding by the state resource agencies of Colorado, Utah, and New Mexico, and Regions 2 and 6 of the Service. The availability of funding from governmental sources is subject to the authorization and appropriation by the federal and state legislative and tribal governmental bodies. Nothing herein shall be construed as obligating the Department of the Interior or any other participant to expend money or as involving the United States in any contract or other obligation for payment of money in excess of appropriations authorized by law. The annual budget suggested to fund the recovery elements described in this document totals \$1,980,000. The estimated distribution of this annual budget is presented in Table 6-1. The actual distribution of this annual budget will be developed as a part of the Long Range Implementation Plan and updated annually as a part of the Annual Work Plan.

Table 6.1 Estimated Annual Costs of Implementation Program

RECOVERY PROGRAM ELEMENT AND

RESEARCH PROGRAM COSTS

3.1 Essential Research for Long-Range Research Plan and Recovery Program Goal Development

Course of Action

3.1.1	Research	
	Distribution and Abundance	275,000.00
	Reproduction and Recruitment	125,000.00
3.1.2	Recovery	
	Long-range plan/recovery goal development	50,000.00

3.2 Protection of Genetic Integrity and Management and Augmentation of Populations

Course of Action

3.2.1	Research	
3.2.2	Genetics	25,000.00
	Augmentation	25,000.00
	Refugia	25,000.00

3.3 Protection, Management, and Augmentation of Habitats

Course of Action

3.3.1	Research	
	Habitat characterization and quantification	300,000.00
3.3.2	Recovery	
	Protection of flows	40,000.00
	Habitat development and maintenance	100,000.00

3.4 Water Quality Protection and Enhancement

Course of Action

3.4.1	Research	
	Baseline inventory and identification/quantification .	230,000.00
3.4.2	Recovery	
	Enhancement	50,000.00
	Protection	25,000.00

3.5 Species Interactions

Course of Action

3.5.1	Research	
	Identification and characterization of	

	non-native fish community	150,000.00
3.5.2	Recovery	
	Non-native fish management and control	30,000.00

3.6 Program Monitoring and Data Management

Course of Action

3.6.1	Research	
	Monitoring and data management .	75,000.00
3.6.2	Recovery	75,000.00

3.7 Administration

Commitment per participant (\$20,000/		
	participant	180,000.00
*Service		200,000.00
		<u>1,980,000.00</u>

Note: This budget reflects cost estimates during the initial phases of the RIP. Funding will shift from research to recovery activities as studies are completed and priority recovery activities identified and implemented.

6.3 ANNUAL FUNDING SOURCES

Funding reliability is critical to the success of this Implementation Program to ensure that the Program is conducted on a continuous basis, and that high-priority recovery elements are funded every year. Support for annual recovery activities will depend upon existing and new government sources. The availability of funding from governmental sources is subject to the authorization and appropriation by the federal and state legislative and tribal governmental bodies. Annual costs also reflect an estimated \$20,000 per Participant for administration, meeting attendance, etc. The following discussions of costs per Participants are estimates only and do not constitute an agreed upon final sum from any Participant.

The suggested funding amounts from the sources listed in 6.3.1 - 6.3.12 is \$1,820,000. With a suggested annual budget of \$1,980,000, there exists a \$160,000 annual shortfall. It is anticipated that other federal agencies will enter the Implementation Program through requirements of section 7(a)(1) or 7(a)(2) of the Endangered Species Act or other Participants may support unfunded elements of the Implementation Program, thereby eliminating the potential funding shortfall. Until such additional funds are available, recovery elements would be funded

at the reduced level.

6.3.1 U.S. Fish and Wildlife Service

The Fish and Wildlife Service will provide \$200,000 in cash and in-kind services to this Implementation Program. No funding is yet available to support the administration of this Implementation Program. However, the Service will seek funding in the amount of \$200,000 (Region 2 - \$150,000; Region 6 - \$50,000) for this activity. The Service will provide support staff and expenses for the Program Coordinator and senior biologist.

6.3.2 U.S. Bureau of Reclamation

The Upper Colorado Region of the Bureau of Reclamation has provided funds for studies to define habitat use and inventory endangered fish species in the San Juan River Basin. The Bureau of Reclamation has agreed to fund research activities associated with this Implementation Program as part of the ALP Section 7 Consultation for a seven-year period. Total annual costs to the Bureau of Reclamation, including in-kind services is \$670,000.

6.3.3 U.S. Bureau of Indian Affairs

The U.S. Bureau of Indian Affairs will coordinate Implementation Program activities involving the four tribes that are participating in this Implementation Program, including protection of storage releases for the benefit of endangered fish species by the four tribes involved. In fulfillment of requirements under the NIIP section 7 consultation, the Bureau of Indian Affairs has provided \$120,000 per year plus a commitment to conduct the habitat/flow relationship research and modeling and operational modeling of the San Juan River. In addition, the Bureau of Indian Affairs will participate in the Coordination, Biology, and Operating Committees. The estimated contribution by the Bureau of Indian Affairs is \$175,000 direct funding plus \$400,000 in-kind services, including the commitment to continue the habitat/flow studies presently ongoing until completed.

6.3.4 State of New Mexico

The State of New Mexico will participate in the Coordination, Biology, and Navajo Dam Operating Committees, and the estimated annual cost of this contribution including in-kind services is \$80,000. The State of New Mexico has agreed to protect reservoir releases for the benefit of the endangered fish species. Protection of water released for the benefit of the endangered

fish species may be accomplished by the State Engineer without creating a watermaster district. If so, New Mexico's contribution for this activity would be about \$5000 annually, plus some capital costs. If a watermaster district is established to administer water in the San Juan River Basin in New Mexico, the watermaster can assume this responsibility and some capital cost also may be required.

6.3.5 State of Colorado

The State of Colorado will participate in the Coordination, Biology, and Navajo Dam Operating Committees, and the estimated cost of this contribution, including in-kind services, is \$50,000 per year.

6.3.6 State of Utah

The State of Utah has agreed to participate in the Coordination, Biology, and Navajo Dam Operating Committees, and to ensure administration of instream flows necessary to recover endangered fish species in the San Juan River in Utah. The estimated cost of this in-kind contribution is \$50,000 per year, including instream flows administration.

6.3.7 Southern Ute Indian Tribe

The Southern Ute Indian Tribe has agreed to participate in the Coordination and Biology Committees. In addition, the tribe has agreed to participate in all Implementation Program activities. A total estimated cost, including in-kind contributions, is \$25,000 per year for the Southern Ute Indian Tribe.

6.3.8 Ute Mountain Ute Indian Tribe

The Ute Mountain Ute Indian Tribe has agreed to participate in the Coordination and Biology Committees. In addition, the tribe has agreed to participate in Implementation Program activities that involve tribal lands, or activities on tribal lands. A total estimated cost, including in-kind contributions, is \$25,000 per year for the Ute Mountain Ute Indian Tribe.

6.3.9 Jicarilla Apache Indian Tribe

The Jicarilla Apache Indian Tribe has agreed to participate in the Coordination and Biology Committees. In addition, the tribe has agreed to participate in Implementation Program activities that may, through the release and protection of flows in the San

Juan River, affect tribal lands, or activities on tribal lands. A total estimated cost, including in-kind contributions, is \$25,000 per year for the Jicarilla Apache Indian Tribe.

6.3.10 Navajo Nation

The Navajo Nation has agreed to participate in the Coordination, Biology and Navajo Dam Operating Committees, and to ensure administration of habitat flows for endangered fish species on lands of the Navajo Reservation. In addition, the Navajo Nation has agreed to participate in Implementation Program activities that involve tribal lands, or activities on tribal lands. A total estimated cost, including in-kind contributions, is \$40,000 per year for the Navajo Nation.

6.3.11 Water Development Interests

The water development interests may agree to participate on the Coordination and Biology Committees. The total estimated cost, including in-kind contributions, is \$40,000 per year.

6.3.12 Conservationists

The conservation community may agree to participate on the Coordination and Biology Committees. The total estimated cost, including in-kind contributions, is \$40,000 per year.

6.3.13 All Participants

Funding may be required for expanded research efforts to add to anticipated data requirements for ongoing or planned section 7 consultations, or for management or recovery actions identified during the progress of this Implementation Program.

Funding for delineated recovery actions identified during or after the 7-year research period may be provided by the Participants on an individual action basis, or in general support of the annual combined research effort. Funding levels will be requested in sufficient time to accommodate budgetary planning and execution by the Participants. Identified but unfunded recovery actions, if considered integral to the analysis of sufficient progress, may also be addressed in section 7 consultation activities for funding, if applicable.

6.4 CAPITAL FUNDS

In addition to the annual costs identified in Table 6-1, capital expenditures may be necessary for flow management (gates and

other equipment), fish passages, removal of barriers, construction, maintenance, and management of hatcheries and refuges, and possibly other, as yet unidentified, items. Estimated cost of capital expenditures for the Program is \$5 million. This estimate will be refined, and may be increased or decreased, depending on the success of various recovery activities in the San Juan Basin. It is anticipated that these funds will be appropriated from the federal Land and Water Conservation Fund, other existing federal funds, or other Participant funding mechanisms. Federal appropriations will require recommendation of the Department of the Interior and Congressional authorizations and appropriations. Non federal funds may also be used to support capital expenditures. All Participants agree to support efforts to provide capital funding for this Implementation Program as needs are identified by the Coordination Committee.

6.5 ADMINISTRATION OF RECOVERY FUNDS

All funds will be used in accordance with the priorities established in this Implementation Program under an annual work plan prepared by the Program Coordinator, in consultation with other Participants, and approved by the Coordination Committee. The Coordination Committee will review research activities and priorities and oversee spending and allocation of all Implementation Program funds. Annual funding will be available from each of the designated annual funding sources at the beginning of each federal fiscal year (October 1), unless otherwise agreed to. An annual accounting of funds allocated in the preceding fiscal year will be provided to the Coordination Committee at the beginning of each fiscal year, identifying funds to be earmarked by each funding source for Implementation Program activities for the upcoming year. When appropriated, capital funds will be disbursed by the Service, acting on the recommendations of the Coordination Committee.

Annual funds will be administered directly by the agencies (federal, state, etc) responsible for the funds, according to their individual administrative regulations and procedures. The Program Coordinator will be responsible for maintaining records showing distribution and expenditures of all annual and capital funds expended under the workplan by each funding source. An accounting of funds expended during the preceding year will be provided at the end of each fiscal year.

Wherever possible, funds accruing directly to this Implementation Program will be placed in interest-bearing accounts, such as those administered by the National Fish and Wildlife Foundation, until such time as they are utilized in accordance with the annual budget approved by the Coordination Committee. The Service will be responsible for administering and accounting for these Implementation Program funds. Interest accruing to these accounts will be used to support recovery activities.

6.6 ANNUAL BUDGET REVIEW

Funding of this Implementation Program until the endangered fish species are recovered and de-listed is essential. While it is recognized that the availability of funds from each source will be subject to legislative action, the respective Participants are responsible for obtaining their portion of the funds needed to achieve the purposes of this Implementation Program. The Coordination Committee will annually assess funding requirements and the contributions expected from all sources (including an accounting of in-kind services), and will recommend whether the net effect of any shortfall would make it impossible to effectively carry out this Implementation Program.

The Coordination Committee will annually review progress toward recovery, and will recommend adjustments to the operating budget to reflect changing needs and priorities. If the Coordination Committee determines that the financial estimates and contributions from all sources are not sufficient to carry out this Implementation Program, the Coordination Committee may recommend how and from what source additional revenues may be acquired.